

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Johnson, Samuel A.	)	
	)	Group Art Unit: 3635
Serial No. 10/771,935	)	
	)	Examiner: LAUX, JESSICA L.
Filed: February 5, 2004	)	
	)	
For: DEPLOYABLE AND	)	
RETRACTABLE SPACE	)	
FRAME	)	

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer dated February 26, 2008,  
the period for response to which extends until April 26, 2008.

**ARGUMENT**

The Examiner's Answer grossly misrepresents the Okazaki et al. reference (U.S. Patent no 5,003,736) and appellant's application in an attempt to "broadly interpret" the pending claims. Accordingly, this Reply is respectfully submitted to clarify certain points for the Board.

Claim 1 calls for a "space frame structure capable of deployment or retraction comprising multiple truss elements [forming the space frame structure], *multiple beam elements forming each one of the multiple truss*

*element, and each one of the truss elements being capable of existing in either a straight and rigid condition, or existing in a curved and flexible condition,* with opposed ends of the truss elements connected to at least two other structural elements desired to be held spaced apart in a prescribed orientation." (Emphasis added.) Accordingly, to anticipate the claim, a reference must disclose a space frame having multiple truss elements. Each of those truss elements must be formed from multiple beam elements. Moreover, each one of the truss elements must be capable of existing in either a straight and rigid condition, or existing in a curved and flexible condition. "For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed function must be identically shown in a single reference." Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675 (Fed. Cir. 1988)

In Figure 2, there are shown multiple truss elements, i.e., truss elements 20a-h, forming the space frame structure.

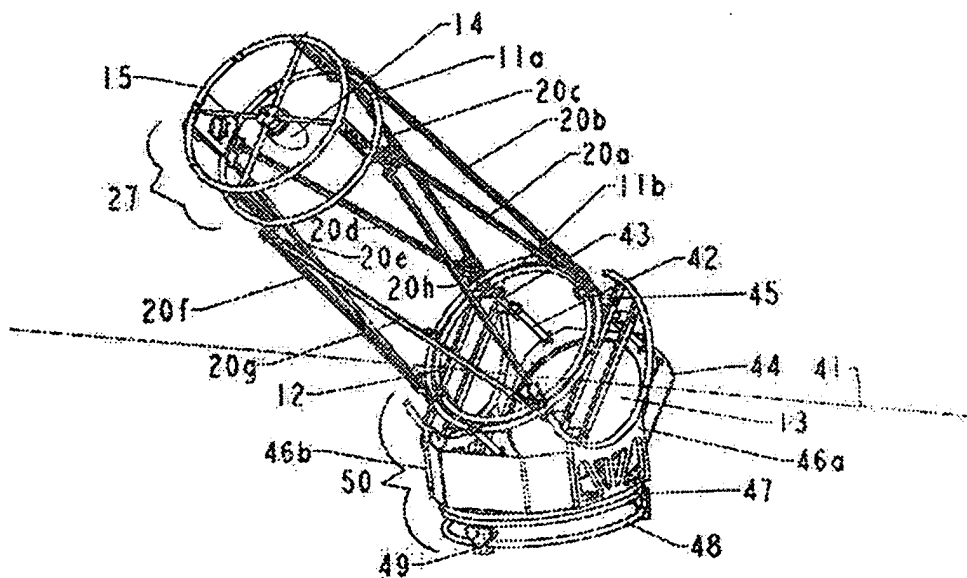


FIG. 2

Figure 3b depicts multiple beam elements, i.e., central flat beam 21 and outrigger beams 24, forming each individual truss element 20. This Figure further shows the truss element 20 in a straight and rigid condition, as claimed.

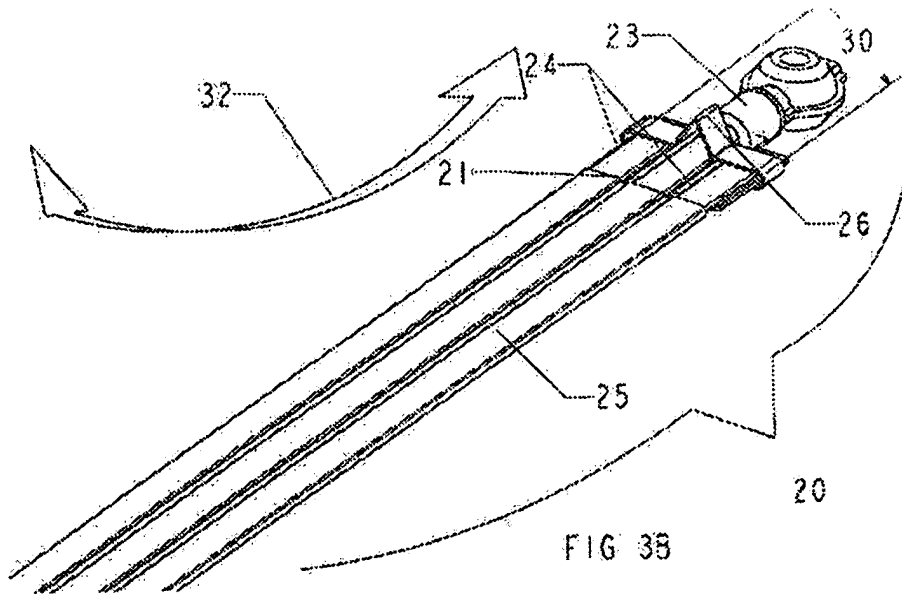


Figure 3d depicts the truss element 20 in a curved and flexible condition, as specifically claimed.

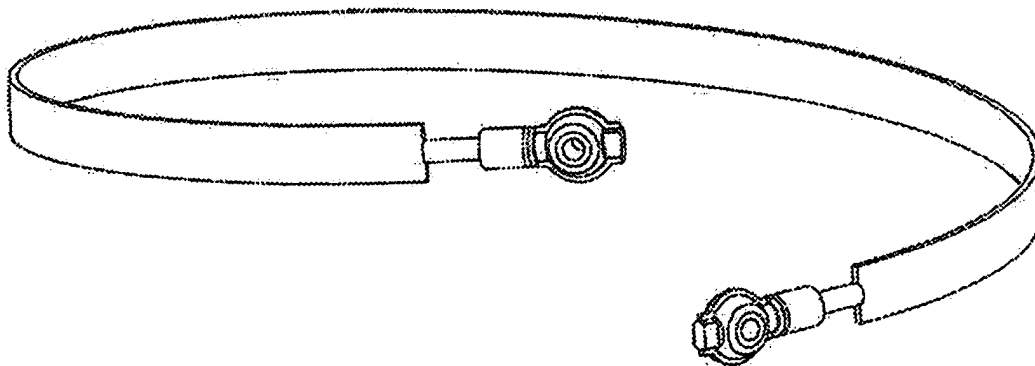


FIG. 3D

The Examiner's Answer cites to the Okazaki et al. reference stating that the longerons 3 and radial spacers 5 constitute the claimed multiple truss elements. The Examiner then claims that the individual arms within the integral,

radial spacers 5 constitute the claimed multiple beam elements forming the individual truss element. Such is a disingenuous argument.

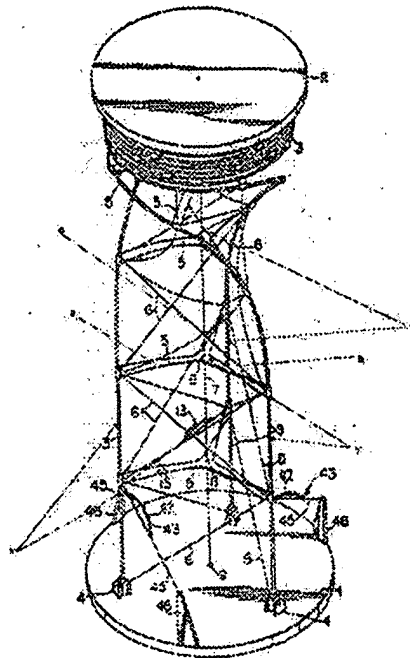


FIG. 10

The truss and beam elements of claim 1 are clearly defined within the specification and Figures of the present application. The Examiner has improperly deconstructed the component parts of the Okazaki et al. device, such as labeling the "multiple beam elements" of each "truss element", in a manner that is unrecognized in the structural arts. Moreover, the Examiner has done so to "fit" the deconstructed parts of the prior art reference to the elements of claim 1 in a manner that is inconsistent with the definitions of the claimed elements.

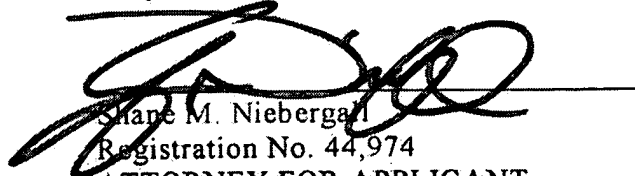
The Examiner has also failed to show that each one of the truss elements (radial spacers 5 in the reference) are "capable of existing in either a straight and rigid condition, or existing in a curved and flexible condition", as claimed.

REQUEST

Reversal of the Examiner's final rejection of the pending claims is respectfully requested for the above-stated reasons.

Signed this 7th day of April 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shane M. Niebergall', is written over a horizontal line.

Shane M. Niebergall  
Registration No. 44,974  
ATTORNEY FOR APPLICANT  
HOLLAND & HART LLP  
Post Office Box 8749  
555 17<sup>th</sup> Street, Suite 3200  
Denver, Colorado 80201  
(303) 295-8034